

BIRCH, STEWART, KOLASCH & BIRCH, LLP

INTELLECTUAL PROPERTY LAW
8110 GATEHOUSE ROAD
SUITE 100 EAST
FALLS CHURCH, VIRGINIA 22042-1248
USA

(703) 205-8000
FAX: (703) 205-8050
(703) 698-8590 (G IV)

e-mail: mailroom@bskb.com
web: http://www.bskb.com

SENIOR COUNSEL:
JOSEPH A. KOLASCH

RICHARD GALLAGHER
KECIA J. REYNOLDS
KALPANA REDDY
ESTHER H. CHONG
CATHERINE M. VOISINET*
EUGENE T. PEREZ
CAROLYN T. BAUMGARDNER*
MARTIN R. GEISSLER*
J. ALISON GRABELL*
T. BENJAMIN SCHROEDER, PH.D.
PERCY L. SQUARE
HYUNG N. SOHN
CLINT A. Gerdine
CRAIG A. MCROBBIE
MATTHEW T. SHANLEY
GARTH M. DAHLEN, PH.D.
ROBERT E. GOOZNER, PH.D.
SUSAN W. GORMAN, PH.D.*
SCOTT T. WAKEMAN*

REG. PATENT AGENTS:
FREDERICK R. HANDREN
MAKI HATSUMI
KRISTI L. RUPERT, PH.D.
ROBERT W. DOWNS
CHAD J. BILUNGS
CARL T. THOMSEN
JASON W. RHODES
SAM BHATTACHARYA
DEMETRA R. SMITH-STEWART

*ADMITTED TO A BAR OTHER THAN VA

22278 U.S. PTO
10/823533



041404



041404

10/823533
U.S. PTO

TERRELL C. BIRCH
RAYMOND C. STEWART
JAMES M. SLATTERY
MICHAEL K. MUTTER
CHARLES GORENSTEIN
GERALD M. MURPHY, JR.
LEONARD R. SVENSSON
ANDREW D. MEIKLE
MARC S. WEINER
JOE MCKINNEY MUNCY
ROBERT J. KENNEY
JOHN W. BAILEY
MARK J. NUEL, PH.D.
JAMES T. ELLER, JR.
D. RICHARD ANDERSON
THOMAS M. SMALL*
ROBERT A. SELDON*
JOHN A. SCILLIERI*
SANFORD ASTOR*
MICHAEL R. CAMMARATA
SCOTT L. LOWE
PAUL C. LEWIS
MARYANNE ARMSTRONG, PH.D.

OF COUNSEL:
HERBERT M. BIRCH (1905-1996)
BERNARD L. SWEENEY*
ELLIOT A. GOLDBERG*
WILLIAM L. GATES*
EDWARD H. VALANCE
RUPERT J. BRADY (RET.)*
F. PRINCE BUTLER
FRED S. WHISENHUNT (RET.)
JAMES W. HELLWEGE
QUENTIN R. "RICK" CORRIE
ROBERT F. GNUSE
DAVID R. MURPHY
ROBERT M. ASHEN*
WILLIAM B. WALKER*
RICHARD B. MCGRATH
ROBERT J. WEBSTER

Date: April 14, 2004

Docket No.: 2801-0184PUS2

MS PATENT APPLICATION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is a Request for filing a continuation of Application No. 10/356,591 filed February 3, 2003, which is continuation of U.S. Application No. 09/570,725 filed on May 15, 2000, which is a continuation of U.S. Application No. 08/829,562 (now U.S. Patent 6,253,762) filed on March 31, 1997, which is a continuation-in-part of Application No. 08/584,859 filed on January 5, 1996 (now abandoned), which is a continuation-in-part of Application No. 08/422,111 filed on April 14, 1995 (now abandoned). Application No. 08/829,562 is also a continuation of PCT International Application No. PCT/US96/05006 filed April 10, 1996, which designated the United States, which is a continuation-in-part of Application No. 08/584,859 filed on January 5, 1996 (now abandoned), which is a continuation-in-part of Application No. 08/422,111 filed on April 14, 1995 (now abandoned). The entire contents of each of the above-identified applications are hereby incorporated by reference;

by Ian C. ASHURST, Ignatius Loy BRITTO, Craig HERMAN, Li LI-BOVET, and Michael T. RIEBE

for PROCESS FOR MANUFACTURING A METERED DOSE INHALER

1. ☒ Enclosed is an application consisting of specification, claims, declaration and drawings/photographs (if applicable).
2. ☒ The filing fee has been calculated as follows:

			LARGE ENTITY	SMALL ENTITY
BASIC FEE			\$770.00	\$385.00
	NUMBER FILED	NUMBER EXTRA	RATE FEE	RATE FEE
TOTAL CLAIMS	42-20 =	22	x18 = \$396.00	x 9 = \$0.00
INDEPENDENT CLAIMS	3-3 =	0	x86 = \$0.00	x 43 = \$0.00
<input type="checkbox"/> MULTIPLE DEPENDENT CLAIMS PRESENTED			+ \$290.00	+ \$145.00
TOTAL			\$1166.00	\$0.00

3. ☒ A check in the amount of \$1166.00 to cover the filing fee and recording fee (if applicable) is enclosed.
4. ☐ Please charge Deposit Account No. 02-2448 in the amount of \$0.00. A triplicate copy of this request is enclosed.
5. ☐ Enclosed is/are _____ (____) sheet(s) of formal drawings and/or photographs.
- 6a. ☐ A statement claiming small entity status was filed in prior Application No. _____ on _____. See the attached copy of the statement claiming small entity status.
- 6b. ☐ The current application qualifies for small entity status.
7. ☒ The prior application is assigned to SmithKline Beecham Corp.
8. ☒ A Preliminary Amendment is enclosed.
- 9a. ☒ Priority of Application Nos. 10/356,591; 09/570,725; 08/829,562; 08/584,859; and 08/422,111 filed in the United States on February 3, 2003; May 15, 2000; March 31, 1997; January 5, 1996; and April 14, 1995, respectively, is claimed under 35 U.S.C. § 120.

13281 U.S. PTO

041404

- 9b. ☒ Priority of International Appln. PCT/US96/05006 filed on April 10, 1996 under the Patent Cooperation Treaty and U.S. Application No. 08/584,859 filed in the United States on January 5, 1996 under 35 U.S.C. § 119 is hereby reclaimed.
10. ☒ An Information Disclosure Statement and PTO-1449 form(s) are attached hereto for the Examiner's consideration.
11. ☒ Address all future communications to:

BIRCH, STEWART, KOLASCH & BIRCH, LLP
P.O. Box 747
Falls Church, VA 22040-0747
(703) 205-8000

or
Customer No. 02292
12. ☐ An extension of time for _____ () month(s) until _____ has been submitted in parent Application No. _____ in order to establish co-pendency with the present application.
13. ☐ Also enclosed herewith is the following:

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By mp and B.0540,069
Gerald M. Murphy, Jr. #28,977

P.O. Box 747
Falls Church, VA 22040-0747
(703) 205-8000

GMM/las
2801-0184PUS2

Attachment(s)

(Rev. 02/13/2004)